

# State of South Dakota

## SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

337J0082

### HOUSE BILL NO. 1228

Introduced by: Representatives Haverly, Christensen, Craddock, Cutler, Glenski, Hunhoff, Madsen, Michels, Miles, Murschel, Novstrup, O'Brien, Rave, and Sebert and Senators Olson (Ed) and Knudson

1 FOR AN ACT ENTITLED, An Act to provide for interstate contracts for the treatment of  
2 individuals with mental illness or chemical dependency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms in this Act mean:

5 (1) "Bordering state," Iowa, Minnesota, Montana, Nebraska, North Dakota, or Wyoming;

6 (2) "Treatment facility," an accredited prevention or treatment facility as defined in § 34-  
7 20A-2 or an inpatient psychiatric facility as defined in § 27A-1-1.

8 Section 2. A bordering state or governmental entity of a bordering state may contract with  
9 any appropriate treatment facility in South Dakota for the treatment of mental illness or  
10 chemical dependency for residents of the bordering state. However, any such contract shall  
11 conform to the requirements of this Act.

12 Section 3. No contract may be entered into under this Act for treatment to any person who:

13 (1) Is serving a sentence after conviction of a criminal offense;

14 (2) Is on probation or parole; or

15 (3) Is the subject of a presentence investigation.



1       Section 4. Any contract entered into under this Act between a bordering state or  
2       governmental entity of a bordering state and a South Dakota treatment facility shall, at a  
3       minimum:

- 4       (1)   Describe the services to be provided;
- 5       (2)   Establish responsibility for the costs of services;
- 6       (3)   Establish responsibility for the costs of transporting individuals receiving services  
7           under this Act;
- 8       (4)   Establish responsibility for the transportation of individuals under this Act;
- 9       (5)   Specify the duration of the contract;
- 10      (6)   Specify the means of terminating the contract;
- 11      (7)   Specify the terms and conditions for refusal to admit or retain an individual; and
- 12      (8)   Identify the goals to be accomplished by the placement of an individual under this  
13          Act.

14      Section 5. Any treatment facility in South Dakota may enter negotiations with appropriate  
15      personnel of a bordering state to develop a contract that conforms to the requirements of this  
16      Act. A contract with a bordering state shall enable the temporary placement in South Dakota by  
17      a bordering state of a person who is on an emergency hold or who has been involuntarily  
18      committed as mentally ill or chemically dependent as determined by the bordering state. Any  
19      person committed by a bordering state or on emergency hold from a bordering state and who  
20      is placed in a South Dakota facility continues to be in the legal custody of the bordering state  
21      and shall be returned to the bordering state prior to release from emergency hold or involuntary  
22      commitment. The bordering state's laws governing commitment criteria, length of commitment,  
23      hearings, reexaminations, and extension of commitment continue to apply to these bordering  
24      state residents. The State of South Dakota is not responsible for treatment costs, legal

1 proceeding costs, or transportation costs. In all other aspects, a resident of a bordering state  
2 placed in a South Dakota facility is subject to the laws of South Dakota. A contract under this  
3 Act with a bordering state or bordering state governmental entity shall specify that responsibility  
4 for payment for the cost of care and transportation for persons under this Act remains with the  
5 contracting entity of the bordering state of which that person is a resident.

6 Section 6. No person placed in South Dakota from a bordering state under this Act may be  
7 placed or transferred to the South Dakota Human Services Center.